



KING COUNTY CIVIL RIGHTS COMMISSION

ANNUAL REPORT TO EXECUTIVE and COUNTY COUNCIL

JANUARY 1 - DECEMBER 31, 2000

COMMISSIONERS

<i>Commissioner</i>	<i>Debra Willendorf, Chair</i>	<i>District 1</i>
<i>Vacant</i>		<i>District 2</i>
<i>Vacant</i>		<i>District 3</i>
<i>Commissioner Barbara Hurst</i>		<i>District 4</i>
<i>Commissioner</i>	<i>Angela Toussaint, Vice-Chair</i>	
<i>District 5</i>		
<i>Commissioner</i>	<i>Susanna Chung</i>	<i>District 6</i>
<i>Vacant</i>		<i>District 7</i>
<i>Commissioner Camilo de Guzman, DVM</i>		<i>District 8</i>
<i>Vacant</i>		<i>District 9</i>
<i>Vacant</i>		<i>District 10</i>
<i>Vacant</i>		<i>District 11</i>
<i>Commissioner Rachel Johnston, Esq.</i>		<i>District 12</i>
<i>Vacant</i>		<i>District 13</i>
<i>Commissioner</i>	<i>Alice Griffin</i>	<i>At-large Appointee</i>
<i>Commissioner</i>	<i>Chuck Gilman</i>	<i>At-large</i>
<i>Appointee</i>		
<i>Commissioner</i>	<i>Roberto Maestas</i>	<i>At-Large Appointee</i>

The King County Civil Rights Commission was established in December, 1995 to take a strong leadership role in raising community awareness and involvement on civil rights issues and to advise the King County Executive and County Council on matters related to the County's civil rights programs. Its primary goal is to ensure equal opportunity for all through the effective enforcement of anti-discrimination ordinances and implementation of the County's civil rights programs. The Commission works in collaboration with a variety of interest groups including community, business, civic, and religious organizations.

There are up to sixteen Commission members each serving three-year terms. County Council members representing each of the King County council districts nominate thirteen members, while the remaining three serve as at-large members, selected by the County Executive. All Commission members are confirmed by the County Council and serve without pay. It is the goal of the County to recruit people from diverse ethnic and protected group backgrounds. The Commission seeks representation from the African American, Asian American, Latino, Native American, Pacific Islander, Caucasian, Gay and Lesbian, and Disability communities. Commissioners reside within King County.

As the County's citizen advisory commission on civil rights, the KCCRC is responsible for reviewing and reporting on the effectiveness and progress of the county's affirmative action, non-discrimination enforcement, and minority/women business utilization programs. It is also responsible for educating the public and concerned groups on methods to prevent and eliminate discrimination and advise King County government on human and civil rights issues. The Commission periodically issues formal reports on its findings and makes formal presentations before the King County Council on a semi-annual basis. The ordinance creating the Commission also established four standing committees through which most of the work of the Commission is accomplished. The committees are Executive; Public Policy; Economic Development; and Community Relations.

In December 1999, Debra Willendorf was elected Chair, Angela Toussiant was elected Vice Chair and Roberto Maestas was elected as an at-large member of the Executive Committee. During this year, the Commission, under Debra's leadership, accomplished a number of achievements. They include:

Martin Luther King Jr. Essay Contest

The King County Civil Rights Commission instituted its first annual Essay Contest in November 1999, with the theme: *Dr. King's Work: What My Generation Can Do in the New Millennium*. The contest was open to all 8th graders in public schools in King County and was intended to encourage students to think critically about Dr. King's legacy of peace and justice. All essays were judged on the author's knowledge of Dr. King and his work in the Civil Rights Movement, originality of ideas, development of point of view, insight, clarity of expression, organization, and grammar.

On January 13, 2000, the Martin Luther King County Civil Right Commission presented their first annual Dr. Martin Luther King, Jr. Essay Writing Contest Award for the three best student essays on Dr. King's work. The students selected were: Kelsey Jacobs of Kamiakin Junior High School in Kirkland, first prize winner of \$100; Shannon Mercado of Mattson Junior High School in Covington and Jodi Minehan of Issaquah Middle School in Bellevue, second prize winners of \$75 each.

The contest received a great deal of media attention and helped to acquaint the public with the work of the Civil Rights Commission. We have currently undertaken our 2001 Dr. Martin Luther King Jr. Writing Essay, which will be open to 12th grade students in both public and private schools. The theme for this essay contest is "Remembering Dr. King: the Vision, the Mission, the Man."

Relationship with King County Sheriff's Office (KCSO)

During both our November 1999 forum in Des Moines and the WTO protests, we heard some concerns about racial profiling by police in the Seattle area. Because of these concerns the Commission began to open a dialogue with the King County Sheriff's Office to assess the KCSO role, if any, in racial profiling and to attempt to forge a collaborative, working relationship to address any real or perceived racial issues between the KCSO and King County residents. The KCSO has a reciprocal interest in civil rights issues and assigned Chief Fabienne Brooks as a liaison between the KCSO and the Commission.

We have had ongoing discussions with the KCSO and have already seen the Sheriff's office increase the visibility of their grievance procedures available to the public. We joined together to present a public forum on criminal justice issues that was held in the Fall of this year. We are planning on taking the juvenile portion to schools in the area in the year 2001. (see more about the Forum below)

Dr. Martin Luther King, Jr. County Logo

The Commission has been a strong proponent of an ordinance that would provide King County with a logo commensurate with its name. We believe that almost all Martin Luther King County residents would agree that our current logo has no meaning or place in a democracy. A crown is the symbol of the power of the monarchy, something that Americans of all colors fought against in the Revolutionary War, more than three centuries ago. The image of Dr. King, on the other hand, has come to represent our nation's vision of equality, justice and peace. The Commission actively reviewed this issue and solicited our Communities to submit their concerns to the Council.

Recommendation: We recommend that this ordinance will go before the full Council for a final vote in the near future.

Juvenile Justice Operational Master Plan (JJOMP)

This past spring, the Commission completed a thorough review of the JJOMP and entertained a presentation by Michael Gedeon, Project Coordinator, on the proposed Plan. The Commission was encouraged by the focus of prevention over punishment of

young adults. We applaud the combined efforts of the County staff, community leaders and young people who made this plan possible.

Recommendation: The Commission recommends that the Executive and Council find funding to fully fund these recommendations.

Ordinance Improving Customer Service for Clients in the Mental Health System

After a thorough review, the King County Civil Rights Commission took a position against the original proposed mental health ordinance 2000-0294. Without question there are many people with mental illness disabilities that are not being served by the current system. While we appreciate the extensive work the Council and Council staffs have put into this proposal, we had concerns about the potential impacts of this ordinance on the system and on those it plans to serve. Rather we would like to see funding levels increased to allow those hardest to serve access to services.

The Commission's primary concern was the proposed ordinance's focus on wellness (defined as 'free of disability'), rather than recovery. Scientific research has found that only a certain percentage will ever be able to achieve this. Another percentage will be able to achieve a life of recovery, while another percentage will struggle with their illness for the entirety of their lives. Many may need additional publicly provided services rather than a reduced level of mental health care services.

The Commission urged the County Council to listen to the experts on mental illness and treatment needs in the community, and to develop policies and funding that lead to a system of support in which issues of housing, food, and medical care goes hand in hand with mental health services and recovery.

As a result of the Commission's input, along with that of mental health client activists, the proposed ordinance was revised to focus on recovery, rather than wellness.

Recommendation: Focus future efforts regarding mental health on the development of policies and funding that lead to a system of support in which issues of housing, food and medical care go hand in hand with the mental health services.

The Inquest Process

During the last twenty years, numerous inquests have been held as a result of citizen deaths caused by "law enforcement officers or unnatural facts". Out of these 30 deaths, 13 were people of color. This number is disproportionate to their numbers in the overall population. Every inquest hearing held has found the law enforcement officers actions to be "justified". In addition, the Prosecutor's Office has failed to file charges against these officers for the deaths of civilians in every case.

We are concerned about these deaths. However we are also concerned about an inquest procedure that continues to condone lethal force against people who are often unarmed and frequently have a mental illness.

The Commission has responded to the Executive's call for community participation on a panel of stakeholders and community representatives who are reviewing King County Inquest procedures. Commissioner Rachel Johnston has been selected to sit on the King County Inquest Procedures Review Committee. We are encouraged by the opportunity to add our civil rights perspective to this process.

Affirmative Action Plan

The Commission is charged with the task of monitoring the County's Affirmative Action Plan. We are pleased with the efforts of OHRM/DMS to educate the Departments in non-discrimination, sexual harassment and ADA issues. We are also pleased with their efforts to provide Department Managers with resources and tools to assure that discrimination does not take place in their Departments. We are also encouraged with the new effort to create expectations for managers and hold them accountable for compliance with non-discrimination laws.

However, an analysis of workforce numbers between 1993 and 1999 reveal that there is not much change in the King County workforce since 1993:

	1993	1999
Total Workforce	5907	11820
Total Male	3237 54.7%	7333 62.04%
Total White Male	2479 41.9%	5218 44.15%
Total Minority Male	758 12.8%	2115 17.89%
Total Female	2670 45.2%	4487 37.96%
Total White Female	1940 32.8%	3143 26.59%
Total Minority Female	730 12.3%	1344 11.37%
Total Persons w/Disability	285 4.8%	336 2.84%

We find it encouraging that the percentage of minority males has increased since 1993. However, we are not encouraged by the fact that there has been a decrease in women (both white and minority) and people with disabilities. We do understand that the numbers in 1999 include the workforce from the former Metro making it difficult to compare. We also understand the numbers for PWD's may not be correct due to reporting issues. However, the former Metro has been part of King County government since 1996, so the numbers do have some integrity when used in comparison. We are concerned that the King County workforce does not appear to be changing with the demographics within the County.

Recommendations:

- 1) Continue the efforts already started:
 - Creating Expectations for managers
 - Diversity training incorporated into a wide variety of optional and mandatory training
 - Education and resources for Department managers on civil rights issues and affirmative action
- 2) Prepare now for the 2001 Affirmative Action Plan process to change the method of setting goals to break out by gender as well as minority status. Currently the goals for females are combined with goals for minority females so do not reflect true hiring goals. This has a disparate impact on the integrity of these goals.
- 3) Consider convening a panel that will try to determine why the County workforce continues to be mostly white male, while the county demographics are not.

Review of Costs of Discrimination to County

We began meeting with different County departments in order to try to assess the actual “costs of discrimination” to the County. Our goal is to calculate the cost of discrimination and determine if the anti-discrimination programs implemented by the County are effective in reducing and ultimately eliminating discrimination in the workplace.

We are trying to assess the total cost to King County for resolving employee discrimination complaints, whether sustained or not, in 1997, 1998, and 1999. These costs include:

- The cost of the Office for Civil Rights Enforcement’s staff time
- The value of time spent by other employees, including the supervisor(s), fellow employees, and OCRE staff, working to address the complaint
- The cost of a mediator
- The cost of diversity or sensitivity training courses for employees as a part of the settlement or judgment
- The cost of legal services provided by the Prosecutor’s office in defending the discrimination charge
- The financial award to the aggrieved party
- Any attorney’s fees paid by the County

Over the past several months we met with representatives from OCRE, Risk Management and DMS. One of the benefits of this process has been the opportunity to review and comment on diversity training programs that are about to be implemented within the County. The Departments have been trying to assist us in our efforts, but we are still unsuccessful in obtaining all the figures. There is some fear by the Departments that these figures will encourage disgruntled employees to try their own lawsuits. However, we disagree with that assessment as the large lawsuit figures already get printed in the newspapers.

Recommendation: It seems good business to be able to financially assess the results of programs instituted by the County. If the County is serious about reducing

discrimination, we feel these figures need to be compiled to form a baseline from which to assess future, long term efforts and initiatives.

Distribution of Diversity Management Plan

In 1999, the Commission completed a comprehensive report entitled “The Case for Diversity Management”. In mid 2000, more than 100 copies of this report were disseminated to civil rights groups, diversity managers and public officials. The response we received was heartening and we learned that the report has been copied and distributed within the diversity offices in the WA State Department of Corrections and Western Washington University.

WMBE

The Commission is concerned by the lack of consistent reporting efforts by the Business Development and Contract Compliance Division, which has made it difficult to monitor the WMBE program over the last five years. However, we recently received reports from this agency for the periods on 1996-98 and 1999 and are dismayed at the figures.

	1994	1996-1998	1999
Contracts Awarded to WMBE Firms	28.1%	20%	8%

These figures only show contract dollars awarded. Many firms commit to the hiring of WMBE sub-contractors to get a bid, then drop them from their roster. The percent of dollars actually paid to WMBE firms are much less.

We are concerned about these figures. The drop between 1994 and the 1996-98 report is most disconcerting since this drop occurred prior to the passage of I-200. We are concerned that the WMBE program is not putting forth the effort they did in the past. We are especially concerned since the passage of I-200 essentially gutted the entire program. As you can see from the figures, the contractors in King County are not going to hire WMBE sub-contractors if it is not part of an incentive package.

In 1996, the County, in partnership with other government entities, commissioned a study [“King County Disparity Study”] to determine the depth and breadth of the disparity in utilization between certified WMBE businesses and businesses owned by white males. While this study reveals some interesting trends, it cannot be relied upon as an accurate source of information because the underlying data is flawed. The Study clearly delineates the need for more detailed recordkeeping by the County and other municipal entities.

Recommendations: Please see our recommendations at the end of the next section on the Proposed BOOST Ordinance.

Proposed BOOST Ordinance Review

The Commission continues to meet with staff from the Business Development and Contract Compliance Division, as well as Council staff to review and make suggested improvements to the ordinance. In light of the statistical data discussed above, we are gravely concerned about this ordinance.

In November 1998, the citizens of Washington State passed Initiative 200. This initiative essentially eliminated programs that provided set aside contracts and utilization requirements that were created to assist women and minority businesses. The specific King County ordinances impacted but not repealed by Initiative 200 are KCC Chapters 4.18 (Minority and Women's Business Enterprises) and 12.16 (Discrimination and Affirmative Action in Employment by Contractors, Subcontractors and Vendors).

The BOOST Ordinance attempts to substitute a disadvantaged business program for WMBE programs. We strongly support the concept of the program "under which the county and its contractors have an incentive to make use of small economically disadvantaged businesses as prime contractors, subcontractors, and suppliers on county contracts." What the BOOST program fails to address is the level at which minority firms have been excluded from County contracts.

In November, the Council approved a revised BOOST and a new Fair Contracting Ordinance. The Commission looks forward to working with the Department on the development of rules to implement these Ordinances.

Recommendations: To ensure that minority firms are able to fairly compete for contracts we recommend the following:

- ◆ Record and track data on the number of non-certified subcontractors used to complete County contracts.
- ◆ Keep track of data from awarding of contract to closure of contract in order to track actual dollars spent with minority and majority contractors/subcontractors.
- ◆ *Freeze funds for failure to report use in a timely manner.*
- ◆ Incorporate and adopt strong utilization and record keeping rules.
- ◆ Hold department managers accountable for achieving WMBE goals by incorporating WMBE utilization in their performance evaluation.
- ◆ Develop and implement significant education and outreach programs for WMBE certified and non-certified businesses.
- ◆ Develop and implement periodic evaluation of effectiveness of outreach methods.
- ◆ Adopt strong enforcement rules that provide clear sanctions for violations; this may include graduated remedies.
- ◆ Simplify the current operations by streamlining the contracting and reporting system
- ◆ Adopt requirements that subcontractor utilization changes must be requested and approved in writing before the change is made.
- ◆ Utilization and outreach goals should be included in the BOOST rules.

Criminal Justice Community Forum

On October 28th, the Commission Civil Rights Commission hosted the "*Making the Criminal Justice System Work for You*" community forum, in cooperation with the King County Sheriff's Office. The forum was held at North Seattle Community College and was geared to North King County residents. Spanish and Korean language interpretation services were provided.

The purpose of the forum was to educate residents about the various stages in the criminal justice system in King County. The forum had an adult and a juvenile component and walked the attendees through the process that happens when someone gets arrested. It also highlighted the services offered by community organizations and county agencies and connected young people and adults with community and King County resources in the criminal justice arena. Participants were able to speak with different criminal justice agency and community organization representatives at informational tables throughout the program.

The forum was well received by those attending. The Commission already has had 3 inquiries by local middle and high schools in Seattle requesting that we bring the juvenile segment to their schools. Our intent is to refine the juvenile segment and bring it to the schools in 2001.

The following King County agencies are participated: King County Sheriff's Office, Prosecutor's Office, Juvenile Court, Superior Court, District Court, Department of Probation, Dept. of Juvenile & Adult Detention, Records & Elections and Office of Public Defender. Community organizations that participated included Washington Coalition of Hispanics in Law Enforcement (WACHALE), Black Law Enforcement Association of Washington, and Center for Human Services.

Participation in Human Rights Day

The Commission Administrator represented the Commission on the planning committee for the Fifth Annual Seattle Human Rights Day Celebration. This year's keynote speaker was Randall Robinson, human rights activist and author of *Defending the Spirit* and *The Debt*. The event, cosponsored by the King County Civil Rights Commission, was free and featured other entertainment and light refreshments. It was wheelchair accessible and was sign language interpreted.

Annual Retreat

On December 9, 2000, the Commission held its annual "forward thrust", at which they developed their 2001 workplan.

Administrative

- DIAS hired a full time administrator, Paula Harris-White to help the Commission to accomplish their mission, in the summer of 1999. This resulted in a more organized and effective Commission in 2000.
- In June of this year the Commission adopted a Code of Cooperation, which incorporated many of the stated County goals and values.

- The Commission modified their By-laws to allow for meeting notification by fax and e-mail and for emergency meetings.
- Our Administrator developed a half day orientation program for all new Commissioners.
- Finally, this year has resulted in the addition of five new Commissioners: Chuck Gilman, Alice Griffin, Camilo de Guzman, Barbara Hurst, and Rachel Johnston. Three Commissioners concluded their terms this year, Kirk Adams, Sylvia Cavezos, and Roberto Maestas. One Commissioner, David Booth resigned and Justin Kawabori was removed for lack of attendance by his appointing Councilmember, Jane Hague. There are also two new Commissioners, Hubert Sims and Tracy Brown whose appointments are pending confirmation by Council.